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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

ST. LUKE SCHOOL OF MEDICINE -
GHANA, et al,

Plaintiff,

vs.

REPUBLIC OF LIBERIA, et al,

Defendant

Case No.: 11-CV-06322 RGK (SHx)

**PLAINTIFFS' AMENDED
OPPOSITION TO
DEFENDANT UNIVERSITY
OF ILLINOIS AND DR.
GEORGE GOLLIN'S
MOTION TO DISMISS FOR
LACK OF JURISDICTION
AND FAILURE TO STATE A
CLAIM**

**DATE: APRIL 30, 2012
TIME: 9:00 AM
CRT: 850**

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FEDERAL CASES

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2 Louisiana State Board of Education of Baker (denial of education) (1964, CA5 La) 339 F2d 911
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4 Gagne v Maher (1979, CA2 Conn) 594 F2d 336, affd (1980) 448 US 122, 65 L Ed 2d 653, 100
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6 Wilson v Beebe (1985, CA6 Mich) 770 F2d 578 10
7 Will v. Michigan Dept. Of State Police 491 U. S. 58 (1989) 12, 14
8 Griffin v. Breckenridge 403 U.S. 88 (1971) 11, 15, 16, 18
9 Means v. Wilson 522 F. 2d 833 17
10 Collins v. Hardyman 341 U.S. 651 (1951) 15, 16, 17
11 Tenney v. Brandhove 341 U.S. 367 (1951)15, 16, 17
12 United Bd. of Carpenters & Joiners, Local 610 v. Scott 463 U.S. 825; 103 S. Ct. 3352; 77 L. Ed.
13 2D 1049 11, 16, 17
14 Continental Ins. Co. v Illinois Dep't of Transportation (1983, CA7 Ill) 709 F2d 471 ... 5, 10, 17
15 Wisconsin v. Constantineau 400 U.S. 433; 91 S. Ct. 507 12, 18
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17 Authorization, and Alan Contreras. 421 F.3d 901, 2005 U. S. App. Lexis 18301 13
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RULES

19
20 Federal Rules of Civil Procedure Rule 8(a)(2)
21 Federal Rules of Civil Procedure Rule 8(d)(1)
22 Federal Rules of Civil Procedure Rule 8(e)(2)
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24 Local Rule 23-2
25

CONSTITUTIONAL PROVISIONS

26 U.S. Constitution Amendments 1, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 14
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PLAINTIFF'S EXHIBITS

	All Filed Exhibits from the First Amended Complaint
Exhibit 43	The 91 page Document George Gollin Sent to the Ghana National Accreditation Board (Uploaded)
Exhibit 44	“Exhibit 1” from the Previous Lawsuit CV-1791- RGK
Exhibit 45	“Exhibit 1” George Gollin Published on his University of Illinois Website (Uploaded)
Exhibit 46	List of False Statements made in the 91 page document authored by George Gollin (Uploaded)

1 **PLAINTIFF'S OPPOSITION**

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3
4 **MEMORANDUM OF POINTS AND AUTHORITIES**

5
6 **I. INTRODUCTION**

7 ***A. Procedural Background***

8 It does not seem absurd that the Plaintiffs seek justice and equity through the courts of
9 the United States. The Defendants' argument is that the Plaintiffs simply ignore the unlawful
10 acts of George Gollin and his accomplice the University of Illinois-Urbana because they are
11 seemingly protected by the 11th Amendment. Does it matter that Dr. Jerroll Dolphin has
12 previously attempted to seek justice 3 times earlier? There is a matter of criminal activity of
13 George Gollin, a resident of Illinois, who has hacked onto Dr. Jerroll Dolphin personal computer
14 in California and then posted Dr. Jerroll Dolphin's personal information onto his website at the
15 University of Illinois-Urbana.

16 On the contrary, a stronger message should be sent to the George Gollin and the
17 University of Illinois-Urbana that criminality and persecution by employees of the State of
18 Illinois is a violation of law and not within the scope of the 11th amendment, however, it is within
19 the jurisdiction of the U.S. Constitution's 14th Amendment. Therefore, no sanctions should be
20 forced on the Plaintiffs, nor their attorney, in the interest of justice and equity.

21 ***B. Summary Of Argument***

22 First, the Complaint must not be dismissed. FRCP 15 does allow and does not prevent the
23 addition or remission of plaintiffs. Attorney Larry Walls, original counsel for Dr. Dolphin, is
24 now Attorney for SLSOM-Liberia, SLSOM-Ghana, and the Class. Therefore, Mr. Walls should
25 not be sanctioned on the Court's own motion for his *attempt to obtain justice and equity for his*
26 *clients.*

1 Plaintiffs' 85-page, 375-paragraph [First Amended] Class Action Complaint (hereinafter
2 "complaint") does state many causes of action against a dozen different defendants, ranging from
3 the government of Liberia and its current or former officials, to the University of Illinois and two
4 of its professors. The defendant, University of Illinois-Urbana, is responsible for the tortious acts
5 of its employees. The plaintiffs and their counsel did not have to accept the position of the
6 defendants. Therefore, sanctions are not warranted, since plaintiffs have filed and are litigating
7 this action in good faith. Consequently, Defendant's motion in its entirety, including its request
8 for sanctions, should be denied.

9 Second, the Complaint must not be dismissed because it is not barred by the Eleventh
10 Amendment to the United States Constitution. Despite the constitutional mandate of the 11th
11 amendment, the 14th amendment allows persons to sue all state and federal instrumentalities for
12 violations of their civil rights. See 709 F. 2d 471 - Continental Insurance Co v. Illinois
13 Department of Transportation. Cannon v. University of Health Sciences/The Chicago Medical
14 School, 710 F.2d 351, 356-357 (7th Cir. 1983) was decided on the doctrine of laches and not on
15 the basis of the 11th Amendment. Consequently, this action does not violate the 11th Amendment.

16 Thirdly, the Complaint is not subject to dismissal for failing to comply with the most
17 basic requirements of Rule 8 of the Federal Rules of Civil Procedure. As this Court well knows,
18 that Rule requires a complaint to set forth "a short and plain statement of the claim showing that
19 the pleader is entitled to relief." The government of Liberia unjustifiably destroyed St. Luke
20 School of Medicine and George Gollin, representing the University of Illinois-Urbana as a
21 Professor of Physics, has numerous attacked the Plaintiffs. A complaint based on his false
22 statements about the Plaintiffs, alone, could easily be more than 600 pages. See Exhibits 43
23 through 46, attached to this memorandum. There are even more numerous false statements than
24 presented by the Plaintiffs in the first amended complaint and this memorandum. Although,
25 Gollin and the University of Illinois-Urbana have taken many of them down from their internet
26 website and elsewhere, the damage has been done. The Plaintiffs have hundreds more false
27 statements presented by Gollin and University of Illinois, all of which demonstrate violations of
28 the Plaintiffs civil rights and tortious and malicious persecution by government employees.

1
2 **II. FACTUAL BACKGROUND**

3 Contrary to the defendants Motion to Dismiss, as the declarations of Dr. Dolphin and Dr.
4 Mathew Skaria and FAC Exhibits 1, 2, 3, 7, 16, 18, 19, and 33 show, SLSOM was an accredited
5 medical school in the Republic of Liberia. Furthermore, it obtained its "charter" in the Republic
6 of Liberia, Exhibit 31, Legislative Enactment, signed by President Charles Taylor in August
7 2003, Exhibit 3.

8 The Defendants are wrong, SLSOM's efforts were not thwarted at every effort,
9 (declarations of Dr. Dolphin and Dr. Mathew Skaria and FAC Exhibits 1, 2, 3, 7, 16, 18, 19 and
10 33). SLSOM operated without disruption until September 2004. Until that time, SLSOM was
11 listed as an accredited medical school on the website of the Embassy of Liberia, Washington
12 D.C. In September 2004, SLSOM was attacked by officials of the National Transitional
13 Legislative Assembly (NTLA) who were members of a rebel group LURD, an opposition group
14 that fought against the government of Charles Taylor. Then the Liberian Embassy in Washington
15 DC, posted the 'Disclaimer', FAC. Exhibit 4.

16 There was never any doubt as to the legal status of SLSOM-Liberia. Again, Defendants
17 misrepresent the facts. SLSOM's lawsuits in Liberia went unopposed by those defendants
18 because SLSOM's legal status was known. See FAC Exhibits 16, 17, and 28. The statements
19 made in the newspapers by SLSOM's opponents in Liberia (hearsay and non-admissible) were
20 solely for political advantage and not for truth. Additionally, these newspaper articles are strictly
21 hearsay and are not in any exception to the hearsay rule. Thus, the court must disregard them
22 they are not evidence.

23 SLSOM-Liberia has NEVER graduated any medical student who has not attended
24 classroom and done the required hospital clinical rotations. The statement made by the
25 Defendants at pg. 4 paragraph 26-27 quote, "Indeed, even the Liberian government appears
26 uncertain as to the status of SLSOM, having declared at one point that the school does not really
27 exist, graduating medical doctor candidates who never actually attended any classes. (FAC, ¶¶
28 64, 99, 122.)" is a lie. This is one of the contentious issues, a fantasy created by Gollin, which

1 goes to the heart of this lawsuit. SLSOM-Liberia has NEVER graduated anyone who has not
2 completed the required course work and clinical training at accredited hospitals, nor has the
3 Liberian government ever declared that SLSOM-Liberia has graduated anyone who did not
4 attend classes, or who did not have appropriate hospital training. Declaration of Dr. Jerroll
5 Dolphin and Dr. Mathew Skaria . These knowingly false statements, by Defendants, are not
6 evidentiary, but merely designed to prejudice the court against the Plaintiffs.

7 In addition, the Libelous and slanderous “numerous media reports within Liberia that
8 have labeled the school as fraudulent and accused Dr. Dolphin of issuing phony diplomas” were
9 made by Liberian Defendants, Mohammed Shariff, Benson Barh, and a few others to Liberian
10 newspaper reporters. (*Id.*, ri 81, 93, 97, 112, 127, 132.). There are no official government
11 documents from Liberia to support the Defendants' claims. Incredulous newspaper reports do
12 not take precedent over orders and opinions of lawful courts. The Defendants want this
13 honorable court to accept these false newspaper articles over official government documents and
14 judicial orders.

15 The Defendants argue that SLSOM's complaint asserts that Gollin relied on information
16 from the Liberian government. Plaintiff never made such an assertion. However, no official
17 documents are filed by defendants to support this claim. Plaintiffs assert that Gollin relied on
18 false information from an unknown source about SLSOM to compile the false information he
19 posted about SLSOM on the Internet and elsewhere, and Gollin simply fabricated the other false
20 statements. The complaint has displayed all the official, legal, and judicial governmental
21 information authorizing SLSOM's existence and accreditation in Liberia. Additionally, Gollin
22 completely lied and made fraudulent statements about the Plaintiffs, and presented them in
23 numerous public forums, on Internet publications that are received in California; and
24 specifically in November or December 2009, sent a 91-page document full of lies and
25 fabrications to the Republic of Ghana, and its National Accreditation Board in an effort to
26 defame and undermine the Plaintiffs. Exhibits 43 through 46 (attached).

27 Furthermore, the complaint asserts that Gollin knew that SLSOM had obtained a default
28 certificate and an order to restore its accreditation and status from the Liberia Supreme Court in

1 2005, and further Gollin knew that SLSOM had also obtained a default certificate in its civil
2 court "Damages for Wrong" lawsuit against the Republic of Liberia in 2006. Plaintiffs will
3 present this evidence during trial.

4 The defendant's assertion pg 4 paragraph 4 lines 24 – 27 "that SLSOM has graduated
5 medical doctor candidates who have never actually attend classes" is absolutely false , and pg 5
6 paragraph 1. lines 1 – 3 "that has been numerous media reports within Liberia that have labeled
7 the school as fraudulent and accused Dr. Dolphin of issuing phony diplomas" is not supported
8 by any evidence and is merely designed to bias this court. SLSOM has never graduated anyone
9 who has not completed appropriate course work and it welcomes the opportunity to present
10 evidence before a jury of this court. Declarations of Dr. Jerroll Dolphin and Dr. Mathew Skaria.

11 SLSOM and Dr. Jerroll Dolphin sued the Republic of Liberia in two court cases in
12 Liberia, FAC Exhibits 14 – 17, and 21 – 30. If SLSOM-Liberia or Dr. Dolphin had committed
13 any fraud, issued any phony diplomas, graduated medical doctor candidates who never attended
14 classes, or graduated medical doctor candidates on Internet studies alone certainly, the
15 government of the Republic of Liberia would have presented witnesses or evidence to the same.

16 The Republic of Liberia had the opportunity to present its case of claims against SLSOM
17 in both the Supreme Court and the Civil Court of the Republic of Liberia. The Government of
18 Liberia did not present any case at all against SLSOM in either court lawsuit, but instead
19 defaulted. Exhibit 17 and 30.

20 Newspaper and Internet articles quotations, posted by Dr. Gollin (and ostensibly supported
21 by the University of Illinois) do not have precedent over official court documents. Again, the
22 unproven statements made by the defendants are the reason this lawsuit was filed.

23 **III. LEGAL STANDARD**

24 The plaintiff's complaint, although long and detailed, is not a "mindless rambling" of
25 facts against the University of Illinois and 11 other defendants in violation of Rule 8 of the
26 Federal rules of Civil Procedure. The fact there are 12 defendants with 20 different causes of
27 action necessitates a long and detailed complaint. When each cause of action is taken separately,
28

1 they are plain and simple. Nor, does the sovereign immunities clause of the 11th Amendment to
2 the United States constitution necessitate a dismissal. The plaintiff's complaint sets out in
3 specific detail all the events that showed the violations of the law and their rights by the country
4 of Liberia and all the other defendants that violated their civil rights, including Dr. Gollin and the
5 University of Illinois. To the contrary, the cause of action against the University of Illinois is
6 focused. U.S. Constitution Amendment XI does not bar an action against a state official or
7 employee individually for his tortious conduct. The University of Illinois was complicit in its
8 support of the actions of Professor George Gollin in his tortious acts of:

- 9 1. Trade libel against St. Luke School of Medicine (SLSOM) and libel against Dr. Jerroll
10 Dolphin. When a person acting under color of state law violates rights embodied in a
11 substantive guarantee of the Constitution, such as the Amendments 1, 3, 4, 5, 6, 7, 8, and
12 9, it makes no difference that the state affords a remedy; the victim may choose to pursue
13 his federal remedy under 42 U.S.C. §§ 1983, without resorting to the courts of the state.
14 *Will v. Michigan Dept. Of State Police* 491 U. S. 58 (1989); *Wilson v Beebe* (1985, CA6
15 Mich) 770 F2d 578; *Wisconsin v. Constantineau* 400 U.S. 433; 91 S. Ct. 507; and
16 *.Continental Ins. Co. v Illinois Dep't of Transportation* (1983, CA7 Ill) 709 F2d 471.
- 17 2. Intentional Interference with Prospective Business Advantage. The court recognizes a
18 cause of action under 42 U.S.C. §§ 1983 for the intentional deprivation of a liberty
19 interest by one acting under color of state law. *Will v. Michigan Dept. Of State Police*
20 *supra*; *Wilson v Beebe supra*; *Wisconsin v. Constantineau supra*, *Continental Ins. Co. v*
21 *Illinois Dep't of Transportation supra*..
- 22 3. Negligence. All of Professor Gollin's misrepresentations were made under the authority
23 and power of the University of Illinois, an arm of the State of Illinois. The University has
24 the responsibility to assure the public that the rights of all citizens and residents of the
25 United States are not violated by its agencies, officers, and employees under the
26 provisions of Amendments 1, 3, 4, 5, 6, 7, 8, and 9, and the jurisdiction of federal court is
27 provided by Amendment 14.

- 1 4. Loss of Consortium. 42 U.S.C. §§ 1983 is implicated only when the acts of a defendant
2 under color of state law violate rights protected by the constitution or laws of the United
3 States, specifically the pursuit of happiness. Dr. Dolphin's wife stated that the sole reason
4 for her divorce from Dr. Dolphin was the publication in Ghana of the 91-page document
5 sent by Professor Gollin to the National Accreditation Board of Ghana in October or
6 November 2009. *Gagne v Maher* (1979, CA2 Conn) 594 F2d 336, *affd* (1980) 448 US 1
7 22, 65 L Ed 2d 653, 100 S Ct 2570.
- 8 5. Deprivation of Due Process (see III. LEGAL STANDARD, A. Deprivation of Due
9 Process, below)
- 10 6. Denial of Equal Protection (see IV. PLAINTIFF'S CAN PURSUE A FEDERAL COURT
11 ACTION AGAINST THE UNIVERSITY OF ILLINOIS AS A MATTER OF LAW,
12 below)
- 13 7. Conspiracy to Commit Civil Rights Violations. Since 2003, Professor George Gollin,
14 "Professor of Physics, University of Illinois, Champaign-Urbana", and Alan Contreras,
15 Director of the Oregon ODA, have conspired against SLSOM by placing SLSOM on the
16 ODA's "diploma mill" list without due cause and without due process of law. *Griffin v.*
17 *Breckenridge* 403 U.S. 88 (1971) On or about October and November of 2009,
18 Professor George Gollin and Dr. Brad Schwartz (both of the University of Illinois), and
19 Alan Contreras (State of Oregon, Office of Degree Authorization) all conspired to violate
20 the civil rights of Dr. Jerroll Dolphin and the owners of SLSOM-Liberia, SLSOM-Ghana,
21 and the Class by sending defaming documents and letter to the Republic of Ghana in an
22 effort to deprive the plaintiffs of their civil rights. *United Bhd. of Carpenters & Joiners,*
23 *Local 610 v. Scott* 463 U.S. 825; 103 S. Ct. 3352; 77 L. Ed. 2d 1049. Please see Exhibits
24 43 – 46 attached to this Reply.

25 These actions also violate United States criminal codes:

- 26 • TITLE 18 PART 1 CHAPTER 13 § 241. Conspiracy to Commit Human Rights
27 Violations. "If two or more persons conspire to injure, oppress, threaten, or intimidate
28 any person in any State, Territory, Commonwealth, Possession, or District in the free

1 exercise or enjoyment of any right or privilege secured to him by the Constitution or
2 laws of the United States, or because of his having so exercised the same; or If two or
3 more persons go in disguise on the highway, or on the premises of another, with
4 intent to prevent or hinder his free exercise or enjoyment of any right or privilege so
5 secured”.

- 6 • TITLE 18, PART I, CHAPTER 41 § 876. Mailing threatening communications “(d)
7 Whoever, with intent to extort from any person any money or other thing of value,
8 knowingly so deposits or causes to be delivered, as aforesaid, any communication,
9 with or without a name or designating mark subscribed thereto, addressed to any
10 other person and containing any threat to injure the property or reputation of the
11 addressee or of another, or the reputation of a deceased person, or any threat to accuse
12 the addressee or any other person of a crime, shall be fined under this title or
13 imprisoned not more than two years, or both.”

- 14 • TITLE 18, PART I, CHAPTER 41 § 878. Threats and extortion against foreign
15 officials, official guests, or internationally protected persons

16 (a) Whoever knowingly and willfully threatens to violate section 112, 1116,
17 or 1201 shall be fined under this title or imprisoned not more than five years,
18 or both, except that imprisonment for a threatened assault shall not exceed
19 three years.

20 (b) Whoever in connection with any violation of subsection (a) or actual
21 violation of section 112, 1116, or 1201 makes any extortionate demand shall
22 be fined under this title or imprisoned not more than twenty years, or both.

23 8. Intentional Infliction of Emotional Distress & Negligent Infliction of Emotional Distress.
24 United States Constitution, Amendments and 14.

25 9. Internet Stalking. Professor Gollin in the 91-page document that he sent to the Ghana
26 National Accreditation Board surely demonstrates the crime of Internet Stalking.

27 10. Internet Hacking. Gollin demonstrated himself, in publishing “his own version” of
28 Exhibit 1 (Exhibit 45 of this Opposition [Uploaded]) on his Illinois website that he

1 hacked from Dr. Jerroll Dolphin's computer in California. Gollin's version of Exhibit 1
2 was on Dr. Jerroll Dolphin's personal computer, and contrary to Gollin's internet
3 statements, it was NEVER presented to the court as part of any document by Dr. Jerroll
4 Dolphin (Exhibit 44 of this Opposition [Uploaded]) . Gollin stole this document by
5 hacking onto Dr. Jerroll Dolphin's computer. He fraudulently misrepresented this
6 document on his University of Illinois-Urbana website to intimidate and frighten
7 members of the Class, as will be demonstrated in discovery. (declaration of Dolphin).
8 Gollin is not protected by the 11th Amendment for Internet Hacking and theft of
9 intellectual property.

10 10. The Federal Courts have already ruled that the Oregon Student Assistance Commission,
11 Office of Degree Authorization (hereinafter "ODA") has committed Civil Rights
12 violations on a previous occasions. Melinda Benton v Oregon Student Assistance
13 Commission, Oregon Office of Degree Authorization, and Alan Contreras, 421 F.3d 901,
14 2005 U. S. App. Lexis 18301. Gollin is the author of the ODA's "Diploma Mill" list
15 (hereinafter " DML “), and the University of Illinois-Urbana is listed as the owner of the
16 definitions of “Diploma Mill” to which SLSOM-Liberia does not meet any category.

17 **A. Deprivation of Due Process**

18 Professor Gollin has more than 800 defamatory postings online against the plaintiffs. In all
19 of his postings, he uses "Professor of Physics, University of Illinois, Champaign-Urbana". In
20 2003 the University of Illinois told Dr. Gollin to stop posting his list of "Diploma Mills" to avoid
21 potential lawsuits (FAC ¶¶ 179(p), 195(p)). The University of Illinois has negligently violated
22 the civil rights of Dr. Dolphin and the owners of SLSOM by permitting the use of its authority
23 and power by its employees to commit egregious infringement of rights of the plaintiffs under
24 the color of authority..

25 The "diploma mill" list that the University of Illinois ordered Dr. Gollin to remove from
26 the University's website in 2003 was moved to the Oregon's Office of Degree Authorization
27 (ODA) website. The ODA's website states that the authority and definitions of "diploma mills"
28

1 and "fraudulent schools" is contained on the University of Illinois website. The ODA's "diploma
2 mill" list, authored by Dr. Gollin, is referenced as the source of unapproved colleges and
3 universities by the states of Texas, Maine, Michigan, Indiana, North Dakota, and numerous other
4 states and foreign countries. Declaration of Dr. Jerroll Dolphin.

5 In some states such as Oregon and Texas, it is a **crime** to use diplomas from the schools on
6 the "diploma mill" list and the graduate may face prosecution. The use of this list, produced by
7 Dr. Gollin and supported by the University of Illinois, improperly sanctions the schools, their
8 students and graduates without due process of the law. *Tenney v. Brandhove*, 341 U.S. 367
9 (1951) and *Collins v. Hardyman* 341 U.S. 651 (1951). Consequently, the schools, their students
10 and graduates are denied:

- 11 • rights to education, Louisiana State Board of Education of Baker (1964, CA5 La) 339 F2
12 d 911
- 13 • right to employment and opportunity, US Constitution 14th amendment.
- 14 • pursuit of happiness, US Constitution
- 15 • due process, *Tenney v. Brandhove*, *Collins v. Hardyman Supra*
- 16 • equal protection, *Griffin v. Breckenridge Supra*
- 17 • and rights to assemble, US Constitution

18
19 The schools on the "diploma mill" list, their students and graduates are subject to

- 20 • Harassment
- 21 • Prosecution to felony or misdemeanor charges
- 22 • Fines or imprisonment

23
24 All the above violations were done without due process of law. ORS ORS 348.615 (Appeal
25 Procedure for Unaccredited Institutions) and ORS § 348.597 (Applicability of ORS 348.594 to
26 348.615).

27 The use of the "diploma mill" list, authored by Professor Gollin and endorsed and
28 supported by the University of Illinois, Oregon, Texas, Maine, Michigan, Indiana, North Dakota

1 and others violates the rights protected by the Bill of Rights, and Amendments 1, 3, 4, 5, 6, 7, 8,
2 and 9 of the United States Constitution to which the 14th amendment authorizes the jurisdiction
3 of violations of these protected rights be in the federal courts. Continental *Supra*

4 Again, contrary to the defendant's statements, although normally the University of
5 Illinois may be entitled to immunity from lawsuits in federal court under the 11th Amendment of
6 the United States Constitution, all violations of civil rights are entitled to be heard in United
7 States Federal Court in accordance to the 14th Amendment of the United States Constitution.
8 Continental Insurance *Supra*.

9
10 **IV. THE COMPLAINT DOES NOT IMPROPERLY ASSERT**
11 **CLAIMS ON BEHALF OF PREVIOUSLY DISMISSED**
12 **PARTIES.**

13 The First Amended Complaint properly adds the previously dismissed plaintiffs. The added
14 plaintiffs were dismissed from the case, because they were represented by Dr. Dolphin, in pro
15 per. Now that these Plaintiffs have legal counsel, they can be members of the case. FRCP 15 (2)
16 *Other Amendments*. "In all other cases, a party may amend its pleading only with the opposing
17 party's written consent or the court's leave." The court should freely give leave when justice so
18 requires and FRCP 15 (2) is not to the contrary.

19
20 **V. PLAINTIFF'S CAN PURSUE A FEDERAL COURT ACTION**
21 **AGAINST THE UNIVERSITY OF ILLINOIS AS A MATTER OF**
22 **LAW**

23 The defendant is wrong. The cases of Regents of the University of California v John
24 Doe, Thompson v. City of Los Angeles, Cannon v University of Health Sciences/the Chicago
25 Medical School and other cases cited by the defendant are not dispositive of this issue. Although
26 these cases stand for the proposition that in certain circumstances sovereigns are entitled to
27 immunity, they do not stand for the proposition that in all circumstances a sovereign cannot be
28 sued in a federal forum.

1 The law is clear that a sovereign that has condoned civil rights violations and other
2 tortious conduct of one of its employees (professors and officers of the state) can be sued in the
3 federal court. As the following authorities show:

4 TITLE 18 PART 1 CHAPTER 13 § 242, Deprivation of rights under color of law.
5 “Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects
6 any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of
7 any rights, privileges, or immunities secured or protected by the Constitution or laws of the
8 United States, or to different punishments, pains, or penalties, on account of such person being
9 an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens,
10 shall be fined under this title or imprisoned not more than one year, or both”.

11 Consequently, this honorable Federal Court has jurisdiction over the subject matter and
12 person of the University of Illinois, so, accordingly, the University should not be dismissed.
13 The defendant implicitly concedes that sovereign immunity is not applicable. Then defendant
14 goes to their fall-back argument, that the complaint violates Rule 8 of the Federal Rules of Civil
15 Procedure, as not setting forth "a short and plain statement of the claim showing that the pleader
16 is entitled to relief". Defendants are, implicitly, arguing that the complaint be made more definite
17 and certain.

18 Although, the complaint is long and complex it was necessary to present the case in that
19 manner. Each and every defendant is put on notice of what the claims are, and how they are
20 implicated in the claims and the damages being sought. All plaintiffs, Dr. Dolphin, SLSOM-
21 Liberia, SLSOM-Ghana, and the Class, are clearly included in the tortious wrong doings of the
22 defendants in this complaint. The torts committed by George Gollin, the University of Illinois-
23 Urbana, and the Liberian defendants violated the plaintiff's rights as follows:

- 24 • rights to education, Louisiana State Board of Education of Baker *Supra*
- 25 • right to employment and opportunity, and the pursuit of happiness. US Constitution
- 26 • denial of Due Process, Tenney v. Brandhove, Collins v. Hardyman *Supra*
- 27 • Denial of Equal Protection, Griffin v. Breckenridge *Supra*
- 28 • Conspiracy to Commit Civil Rights Violations, United Bhd. of Carpenters & Joiners,

1 Local *Supra*

- 2 • Intentional Infliction of Emotional Distress,
- 3 • Negligent Infliction of Emotional Distress,
- 4 • and rights to assemble. US Constitution

5 The University of Illinois, in its actual support, or its negligent support, of George Gollin
6 furthered the Liberians extortionous and briborous attempts against Dr. Dolphin, SLSOM-
7 Liberia, SLSOM-Ghana, and the Class (10 of whom are residents of California), thereby
8 violating their civil rights.

9 ***B. Plaintiffs Have Properly Alleged A Class Action***

10 The defendant is clearly wrong. The complaint states that the students, graduates and
11 undergraduates of SLSOM are suing as plaintiffs. They are the defined class as required by law.
12 Consequently, Local Rule 23-2 and Rule 12(f) are not violated. All plaintiffs, particularly the
13 students, have been denied their fundamental rights (Declaration of Mathew Skaria and Robert
14 Farmer) and subjected to the following:

- 15 • rights to education, Louisiana State Board of Education of Baker *Supra*
- 16 • right to employment and opportunity, *Supra*
- 17 • pursuit of happiness, *Supra*
- 18 • denial of Due Process, Tenney v. Brandhove, Collins v. Hardyman *Supra*
- 19 • Denial of Equal Protection, Griffin v. Breckenridge *Supra*
- 20 • Conspiracy to Commit Civil Rights Violations, United Bhd. of Carpenters & Joine
21 rs, Local 610 v. Scott, Means v. Wilson 522 F. 2d 833
- 22 • Intentional Infliction of Emotional Distress,
- 23 • Negligent Infliction of Emotional Distress,
- 24 • And the right to assemble *Supra*

25 ***C. Sanctions are not Proper***

26 Although Plaintiff's counsel did not accept defendant's position there is no legal theory that
27 says plaintiff's counsel has to accept a defendant's position or suffer sanctions. Defendant has
28 argued its position but their said position is not controlling. The Plaintiffs, Dr. Dolphin, SLSOM

1 (Liberia and Ghana) and the class, have complied with Federal rules and are entitled to have
2 their case decided on its merits. Therefore, defendant's request for sanctions in all forms should
3 be denied.

4 The Plaintiffs are seeking injunctive, declaratory, equitable relief and monetary damages and
5 other relief as available to this honorable court.

6
7 **VI. PLAINTIFF LIKewise CAN STATE A CLAIM AGAINST DR.**
8 **GOLLIN ACTING IN HIS OFFICIAL CAPACITY AND HIS**
9 **INDIVIDUAL CAPACITY.**

10 Professor Gollin's official capacity is a Professor of Physics at the University of Illinois-
11 Urbana. He is not an administrator, nor has the State of Illinois, nor has the Board of Governors
12 of the University of Illinois-Urbana approved him as a spokesperson. As far as acting under the
13 authority of the State of Illinois or the University of Illinois-Urbana, he has the similar authority
14 of janitor regarding the publishing false statements on the internet. The Defendants do not
15 provide any evidence such as a contract of employment, or statutory evidence to show that
16 George Gollin has authority under law to claim immunity.

17 The Defendants citations concerning University of Illinois' professors immunity from civil
18 suits dealt with contracts, accidental injuries, deaths, and torts while the professors were
19 lecturing, performing indoor or outdoor laboratories, or pertaining to travel by the professors.
20 None of these cases, involved deliberate defamation, misrepresentation, or lying, due to the
21 Plaintiffs' racial origin, class, the ethnic or regional location of a school that constitute violations
22 of the Plaintiffs' civil rights.

23 Nine of the California Plaintiffs are minorities under the definition of the laws of the state of
24 California and the United States. Forty percent of the Class are minorities and/or foreigners as
25 defined by law. Therefore, Defendant George Gollin, neither in his official capacity nor in his
26 individual capacity, is entitled to immunity at all for defamation. Wisconsin v. Constantineau
27 400 U.S. 433; 91 S. Ct. 507. Therefore, George Gollin is individually liable for defamation and
28 other wrongs; and, he is also officially liable for defamation under the 14th Amendment.

1
2 **VII. THE COMPLAINT DOES NOT VIOLATE RULE 8,**
3 **REQUIRING A SHORT AND PLAIN STATEMENT OF**
4 **PLAINTIFF'S CLAIMS**

5 Again, the defendant is wrong. The plaintiff has followed the rules. The nature and extent of
6 the wrong, plus, all the different parties and entities involved has compelled the plaintiff to write
7 more extensive detail into this complaint. Again, when each cause of action is taken separately,
8 not as a whole, as the defendants want the court to do, each one is a plain and simple statement
9 of plaintiff's claims with a request for damages as required.

10 The Federal Rules require the claimant to detail the facts upon which he bases his claim. The
11 requirement is a "short and plain statement of the claim" that will give fair notice to the
12 Defendants of the claim and the grounds on which it rests. The Plaintiffs have done that to the
13 best of their ability. The Forms in the rules are an example not a sum total. Any further facts
14 needed to more narrowly define the scope of the claim and the possible defenses can be obtained
15 through pretrial discovery. Rule 8(f) states that all pleadings shall be "construed as to do
16 substantial justice." Thus, their purpose is to facilitate a proper decision on the merits, not to
17 become a deceptive trap for the less skilled litigant.

18 **I. Multiple Claims**

19 A. Rule 8(e)(2) allows a party to set forth two or more statements of a claim in the
20 alternative, either in one or more separate counts or defenses.

- 21 1. assists a plaintiff who may be genuinely uncertain about what substantive
22 law will apply, and what he will have to prove.
23 2. the pleader can take any version of the claim.

24 **B. Definition of a Claim**

- 25 1. analogous to "cause of action"
26 2. can be defined either by a single legal theory or a single natural grouping
27 of events.
28

- 1 a. Rule 18(a) minimizes the distinction by permitting a plaintiff to
2 join all of his claims either independently or in the alternative.

3 C. Consistency

- 4 1. Rule 8(e)(2) allows a party to claim as many separate claims as he has
5 regardless of consistency.
6 2. Rule 11 requires that the signature constitute a certification that there is
7 good ground to support it and that it is not interposed for improper
8 purpose.

9 The Plaintiffs complaint complies with all of the above.

10
11 **VIII. CONCLUSION**

12 The defendant is wrong. The University of Illinois and Gollin are subject to this court's
13 jurisdiction under the mandate of the Fourteenth Amendment of the United States Constitution.
14 Additionally, Gollin's individual liability has not been defended in the Defendants' MTD, and
15 therefore, Gollin's MTD should be denied as to his individual capacity to be sued.

16 The Plaintiffs have adequately shown that this court has personal jurisdiction over the
17 Defendants. The Internet slander and harm was done to the plaintiffs in California. The Plaintiffs
18 principal office was in Inglewood, California- Educational Commission for Foreign Medical
19 Graduates sent St. Luke School Medicine graduate verifications to take the medical board exams
20 and the decertification notice and "computer school" letter to the Inglewood office Exhibit 11.
21 Doctor Skaria delineated in his declaration how he read about the Internet defamation of St. Luke
22 School of medicine by George Gollin, while in California. Doctor Dolphin and members of the
23 class were in California when they read about the libelous information posted on the Internet by
24 George Gollin, Allan Contreras, University of Illinois and University of Oregon. The FIRST
25 AMENDED COMPLAINT shows that the Plaintiffs have substantial causes of action against
26 these Defendants. The Plaintiffs have sustained substantial harm and damages which will be
27 proven at trial. The
28

1 Plaintiffs have complied with Federal Rule 8 a(2, 3) requiring a short and simple statement
2 of the claim showing that the pleader is entitled to relief; and a demand for the relief sought,
3 which may include relief in the alternative or different types of relief.

4 Consequently, this court should deny this motion to dismiss and the request for sanctions,
5 or alternatively, if their motion is granted, Plaintiffs should be granted leave to amend.

6
7 Respectfully Submitted this 9th day of April 2012.

8
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10

Larry D. Walls
Attorney for Plaintiffs

1 **EXHIBITS**

2 **All Exhibits from First Amended Complaint**

3 **Exhibit 43 -The 91 page Document George Gollin Sent to the National Accreditation Board**
4 **of the Republic of Ghana (UPLOADED)**

5 **Exhibit 44 – “Exhibit 1” from the Previous Lawsuit CV-1791- RGK (Uploaded)**

6 **Exhibit 45 -“Exhibit 1” George Gollin Published on his University of Illinois Website**
7 **(Uploaded)**

8 **Exhibit 46 – List of False Statements made in the 91-page document authored by George**
9 **Gollin (Uploaded)**

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